

1 RAYMOND M. BUDDIE (BAR NO. 121353)
2 RICK W. GRADY (BAR NO. 235976)
3 ALLEN MATKINS LECK GAMBLE
4 MALLORY & NATSIS LLP
5 Three Embarcadero Center, 12th Floor
San Francisco, CA 94111-4074
Phone: (415) 837-1515
Fax: (415) 837-1516
E-Mail: rbuddie@allenmatkins.com
rgrady@allenmatkins.com

PATRICK S. HALLINAN (BAR NO. 33838)
KENNETH H. WINE (BAR NO. 142385)
HALLINAN & WINE
Law Chambers Building
345 Franklin Street
San Francisco, CA 94102
Telephone: (415) 621-2400
Facsimile: (415) 575-9930

11 Attorneys for Defendants, Counter-Claimants, and Third
12 Party Claimants, DICK/MORGANTI; DICK
13 CORPORATION; THE MORGANTI GROUP, INC.;
AMERICAN CASUALTY COMPANY OF READING,
PA; and NATIONAL UNION FIRE INSURANCE
COMPANY OF PITTSBURGH, PA

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA - SAN FRANCISCO DIVISION

17 UNITED STATES OF AMERICA for the Use
and Benefit of WEBCOR CONSTRUCTION,
INC. dba WEBCOR BUILDERS, and
18 WEBCOR CONSTRUCTION, INC. dba
WEBCOR BUILDERS.

Plaintiffs.

VS.

DICK/MORGANTI, a joint venture; DICK CORPORATION; THE MORGANTI GROUP; AMERICAN CASUALTY COMPANY OF READING, PA; NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PA. and DOES 1 through 10, inclusive,

Defendants.

Case No. 3:07-CV-02564-CRB

**JOINT STIPULATION FOR CONTINUANCE
OF HEARING ON MOTION TO DISMISS
FOR FAILURE TO STATE A CLAIM AND
MOTION FOR A MORE DEFINITE
STATEMENT**

Judge: Hon. Charles R. Breyer

27 AND ALL RELATED COUNTER-CLAIMS
AND THIRD PARTY CLAIMS.

1 IS HEREBY STIPULATED jointly by the parties hereto through their respective counsel
 2 as follows:

3 **WHEREAS:**

4 1. On January 18, 2008 Defendants DICK/MORGANTI; DICK CORPORATION;
 5 THE MORGANTI GROUP, INC.; AMERICAN CASUALTY COMPANY OF READING, PA;
 6 and NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PA,
 7 ("Defendants") filed a Notice of Motions and Motion to Dismiss or Failure to State a Claim and
 8 Motion for a More Definite Statement ("Motions") in response to the Complaint filed by Plaintiff
 9 United States of America for the use and benefit of Webcor Construction Inc. ("Plaintiff"); and

10 2. The hearing for the Motions was originally scheduled for February 22, 2008 and
 11 was, per the parties' prior stipulations and the Court's Orders, continued to July 25, 2008 at 10:00
 12 a.m.; and

13 3. Defendants and Plaintiff are currently finalizing an agreement which would make
 14 the Motions unnecessary and moot; and

15 4. Plaintiff's current deadline to file an opposition to the Defendants' Motions is July
 16 3, 2008; and

17 5. Defendants and Plaintiff intend to finalize their agreement, render the Motions
 18 unnecessary and moot, and inform the Court of their final agreement on or before August 8, 2008.

19 **NOW THEREFORE:**

20 1. Defendants and Plaintiff request a continuance of the hearing for the Motions and
 21 the corresponding opposition and reply dates so that they may finalize their agreement regarding
 22 the Motions; and

23 2. Defendants and Plaintiff request the Court execute the PROPOSED ORDER filed
 24 herewith which continues the hearing for the Motions from July 25, 2008 at 10:00 a.m. to **August
 25 29, 2008 at 10:00 a.m.**

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1 **IT IS SO STIPULATED.**

2 **AGREED TO BY:**

3
4 Dated: July 2, 2008

ALLEN MATKINS LECK GAMBLE
MALLORY & NATSIS LLP

5 By:
6

Rick W. Grady (SBN 235976)
Attorneys for Defendants Counter-
Claimants, and Third Party Claimants,
DICK/MORGANTI; DICK
CORPORATION; THE MORGANTI
GROUP, INC.; AMERICAN CASUALTY
COMPANY OF READING, PA; and
NATIONAL UNION FIRE INSURANCE
COMPANY OF PITTSBURGH, PA

11 Dated: July 2, 2008

12 **BOWLES & VERA LLP**

13 By:
14

Richard T. Bowles
Kenneth G. Jones
Michael Connolly
Attorneys for Plaintiff, UNITED STATES
OF AMERICA for the Use and Benefit of
WEBCOR CONSTRUCTION, INC. DBA
WEBCOR BUILDERS

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